

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**XIANG ZHONG LIN**

**\* CIVIL ACTION NO. 05-2131**

**VERSUS**

**\* JUDGE JAMES**

**ALBERTO GONZALES, MICHAEL  
CHERTOFF, JOHN A. MATA, DALE  
DAUZAT**

**\* MAGISTRATE JUDGE HAYES**

**REPORT AND RECOMMENDATION**

Before the undersigned Magistrate Judge, on reference from the District Court, is a Petition for Writ of *Habeas Corpus* under 28 U.S.C. § 2241 (Doc. No. 1) filed by Petitioner, Xiang Zhong Lin ("Lin"), on December 9, 2005. Lin's only challenge is to his continued detention beyond the six-month presumptively reasonable period established in *Zadvydas v. Davis*, 533 U.S. 678 (2001). The Government responded to Lin's petition on March 29, 2006, and provided documentation showing that Lin was successfully removed from the United States to the People's Republic of China, his native country. (Doc. No. 8 and documents attached thereto). As Lin is no longer in ICE custody, it is recommended that his petition for Writ of *Habeas Corpus* be **DISMISSED as MOOT**.

Under the provisions of 28 U.S.C. §636(b)(1)(C) and FRCP Rule 72(b), the parties have **ten (10) business days** from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within **ten (10) business days** after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the District Judge before he makes a final ruling.

**A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THIS**

**REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE  
SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR,  
FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL  
FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.**

THUS DONE AND SIGNED at Monroe, Louisiana, this 10th day of April, 2006.

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A handwritten signature in black ink, appearing to read "Karen L. Hayes", is written over a horizontal line.

KAREN L. HAYES  
U. S. MAGISTRATE JUDGE